

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Lewis Weatherford, Jr.,	)	C.A. No. 8:04-23040-CMC
	)	
Plaintiff,	)	
	)	
v.	)	<b>OPINION and ORDER</b>
	)	
NFN Officer Crosby, Chief Horace James,	)	
and Director Willie Bamberg, all in their	)	
capacities as Calhoun Regional Detention	)	
Center employees,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on Plaintiff's *pro se* complaint seeking relief pursuant to 42 U.S.C. § 1983 for Defendants' alleged violations of his rights. Plaintiff alleges Defendants violated his rights by taking away all of his personal property after an admitted institutional rules violation by Plaintiff. Plaintiff seeks monetary relief for this alleged violation.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pre-trial proceedings and a Report and Recommendation. On July 25, 2005, the Magistrate Judge issued a Report recommending that this case be dismissed pursuant to Fed. R. Civ. P. 41(b) due to Plaintiff's failure to prosecute this action.<sup>1</sup> The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

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<sup>1</sup>Plaintiff had sought an extension of time to respond to Defendants' motion for summary judgment, which the Magistrate Judge granted, extending Plaintiff's time to respond until July 8, 2005. Plaintiff has made no additional filings with this court.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, this matter is dismissed pursuant to Fed. R. Civ. P. 41(b) with prejudice for failure to prosecute.

IT IS SO ORDERED.

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
September 12, 2005